

**MINUTES**  
**Crested Butte Town Council**  
**Regular Meeting**  
**Crested Butte Town Hall**  
**Monday, June 5, 2006**

Mayor Alan Bernholtz called the meeting to order at 7:11 p.m. Council members present: Ron Chlipala, Margot Levy, Skip Berkshire and Leah Williams. Absent: Billy Rankin and Bill Coburn. Staff present: Acting Town Manager Lois Rozman, Town Attorney Laura Magner, Town Clerk Eileen Hughes, Marshal Administrative Assistant Beverly Fitzpatrick, and Town Planner John Hess.

Approval of the minutes of the May 15, 2006 regular council meeting, the May 18, 2006 Special Council Meeting, the May 25, 2006 Special Council Meeting, and May 30, 2006 Special Council Meeting. Hughes noted that the minutes of the May 30, 2006 Council Meeting needed one correction on page 1.

Levy moved and Chlipala seconded to approve the minutes of the May 15, 2006 regular council meeting, the May 18, 2006 Special Council Meeting, the May 25, 2006 Special Council Meeting, and the May 30, 2006 Special Council Meeting as amended. Roll call vote taken with all voting yes. **Motion passed unanimously.**

**1. PUBLIC COMMENTS**

Bernholtz opened the meeting to public comments about issues not scheduled on the agenda.

Sean Norton, Crested Butte Resident:

Asked if the Town had a plan to deal with noxious weeds. Town Planner John Hess noted that the Town will be treating town parks and the Town Ranch in the fall, rather than the summer because it is more effective since the chemicals go to the roots of the weeds. Rozman added, however, that a fertilizer and dandelion treatment mixture will be applied next week.

Bill Roseberry, a representative of the group, Feet First:

Introduced Richard Cole, President of the Rotary Club of Crested Butte and Mt. Crested Butte. Cole stated that Rotary would like to pursue sponsorship of the 8<sup>th</sup> Street green strip. Cole discussed the Rotary's past participation in the improvements to the Recreation Path between Crested Butte and Mt. Crested Butte and their assistance in the relocation and improvement of the Mt. Crested Butte playground. The council was supportive of the Rotary's offer. Berkshire asked that Rotary collaborate with the Town staff in the planning, execution and maintenance of the green strip. Berkshire also noted that it would be appreciated if the Rotary could present sketches to the council of what they are proposing. Roseberry reiterated that Rotary wants to be involved in the planning process. The Council also agreed that the plan should continue north of Elk Avenue to Butte Avenue and include plans for doogie poop bag stations. Cole agreed with the Council's directives.

**2. STAFF REPORTS**

Rozman:

- Reported that she attended a Joint Economic Development Group meeting. The main focuses of the group will be ground transportation, housing, and telecommunications. Rozman also discussed the Gunnison Valley Economic Development Corporation (GVEDC) and explained that the group was floundering. The GVEDC needs about \$150,000 - \$200,000. Gunnison County and the City of Gunnison have dropped their funding and Mt. Crested Butte has committed to \$5,000. Last year Crested Butte contributed \$2,500 to GVEDC. Levy suggested the Council get input from Bill Coburn as a former GVEDC Board member. The consensus of the Council was that it needed more information regarding the status of the GVEDC and the Joint Economic Development Group.
- There will be a presentation to the Council by Gunnison County CEO, John Devore on July 5, 2006, about the formation of a Regional Library Authority.
- Rozman noted that the Gunnison Board of County Commissioners (BOCC) would like the Council to set a date for joint meeting, preferably in June.
- Work on the bicycle dirt jump park in Block 80 of Paradise Park subdivision has started. The Chamber of Commerce would like to set off fireworks in that area on the Fourth of July, so the park and part of the Recreation Path will need to be closed. The chamber will bring a request to the June 19, 2006 Council Meeting to amend their Special Events Permit for July 4, 2006.
- The Town has been notified of an appeal of a Board of Zoning and Architectural Review (BOZAR) decision concerning a project at 309 Third Street. The Council will need to schedule the appeal date at the next Council Meeting.
- Rozman asked council if there was any objection to canceling the Affordable Housing Meeting scheduled for Thursday. There was no objection.

Hess:

- Reported on a number of meetings coming up:  
Meetings concerning the proposed Gunnison County Essential Housing Fees will be held in Gunnison, June 6 and 7, 2006. Also the BOCC will be discussing inclusionary zoning from 12:30 p.m. to 3:00 p.m. on June 21, 2006. On June 9, 2006 proposals are due from companies interested in doing assessments of the energy efficiency of several Town buildings. The companies will be interviewed on June 14, 2006. The State Trails Commission will be meeting on June 8, 2006. A representative from AIG Insurance will be talking about how to operate the water treatment plant at the Keystone Mine on June 18, 2006 at 7:00 p.m. The Ground Transportation Task Force is considering several pieces of land for Park & Ride lots: Brush Creek Road and Highway 135, Cement Creek Road and Highway 135, Ohio Creek Road and Highway 135, Wal-Mart and the bank lot in Gunnison. Their next meeting will be July 21, 2006, at 9:00 a.m. The BOCC will be considering the preliminary plan for Larkspur subdivision on June 8, 2006.

- Hess also noted that there is an initiative that will be voted on this fall regarding reimbursements to property owners from municipalities when property is devalued by a municipality.
- Tyler Martineau, of the Coal Creek Watershed Coalition, is concerned about the cadmium and zinc levels in Coal Creek - he may get back to the Council about his concerns.
- On May 15, 2006 the Gunnison County Metropolitan Recreation District approved a \$10,000 for Rainbow Park.

### 3. **PUBLIC HEARINGS**

A) Special Events Permit for Stepping Stones Children's Center – Fun Fest- Town Park Soccer Field – July 22, 2006.

Levy moved and Chlipala seconded to approve the Special Events Permit for Stepping Stones Children's Center's Fun Fest to be held in the Town Park Soccer Field on July 22, 2006. Roll call vote was taken with all voting yes. **Motion passed unanimously.**

B) Special Events Permit for Center for the Arts – Alpenglow Concerts- Town Soccer Field-June 26, July 3, July 10, July 17, July 24, July 31 and August 7, 2006.

Ashleigh Garmon from the Center for the Arts reported that The Alpenglow series had been expanded from 4 concerts to 7 this year and reviewed the line up of musicians.

Chlipala moved and Levy seconded to approve the Special Events Permit for the Center for the Arts, Alpenglow Concerts to be held in the Town Soccer Field, June 26, July 3, July 10, July 17, July 24, July 31 and August 7, 2006, be approved. Roll call vote was taken with all voting yes. **Motion passed unanimously.**

C) Special Events Liquor License for Crested Butte/Mt. Crested Butte Chamber of Commerce – Fat Tire Bike Week - June 21-23, 2006 – Chamber of Commerce Parking Lot.

Representative, Christi Matthews of the Chamber of Commerce, explained that she was following through on the notification of residents nearby the event of the closure of the Chamber parking lot and Elk Avenue from 6<sup>th</sup> to 7<sup>th</sup> Street during the Fat Tire event.

Levy moved and Williams seconded to approve the Special Events Liquor License for Fat Tire Bike Week, on June 21-23, 2006, to be held in the Chamber of Commerce Parking Lot. Roll call vote was taken with all voting yes. **Motion passed unanimously.**

D) Special Events Permit for Adaptive Sports Center – Bridges of the Buttes 24-Hour Townie Tour, June 24-25, 2006.

Kirsten Atkins of Adaptive Sports Center was present to field questions and concerns. Hughes mentioned that Chris Larsen of Mountain Express voiced concern about traffic control at the alley and 2<sup>nd</sup> Street. Atkins explained she surveyed the route and agreed with Larsen and his concerns and proposed amending the route to come down the first block of Elk Avenue instead of going through the alley.

Levy moved and Williams seconded to approve the Special Events Permit for the Adaptive Sports Center's, Bridges of the Buttes 24-Hour Townie Tour to be held on June 24-June 25, 2006 with the proposed amendment to the routing. Roll call vote was taken with all voting yes. **Motion passed unanimously.**

E) Ordinance No. 9, Series 2006 - An Ordinance Amending the Zoning and Land Use Ordinance of the Town of Crested Butte Regarding the Minimum Number of lots in the "C" Commercial Zone which May Be Subject to the Town Planned Unit Development Regulations.

Bernholtz read the title of the ordinance, opened the public hearing and noted that the Board of Zoning and Architectural Review (BOZAR) is in favor of this Ordinance. There was no public comment.

Chlipala moved and Berkshire seconded to approve Ordinance No. 9, Series 2006. Roll call vote was taken with all voting yes. **Motion passed unanimously.**

F) Ordinance No. 10 Series 2006- An Ordinance Amending the Zoning and Land Use Ordinance to Add a Definition of the Term "Retail Bakeries."

Bernholtz read the title of the ordinance and opened the public hearing. Crested Butte residents Kathy Joyce, Tony Borland, Dan Loftus, Jay Harris and Karen Anderson expressed concerns about the ordinance and asked for clarification of the term retail bakery. Town Attorney Laura Magner explained that retail bakeries are allowed as a conditional use in the "C" zone but the code did not include a definition of the term retail bakery and Ordinance 10 adds a definition of the term. Council also noted that the term retail bakery as defined in the ordinance does not allow seating or consumption on the premise. Harris expressed concern that a retail bakery really means a retail restaurant, because food, such as pizza, could be delivered. Anderson voiced concern that retail bakeries could undercut existing restaurants. Building Official Bob Gillie explained that the purpose of adding a definition for the term retail bakery was to clarify the term so it would not be construed as restaurant and the intent is to limit the uses allowed in a retail bakery rather than expand the use.

Levy moved and Chlipala seconded to approve Ordinance No. 10, Series 2006. Roll call vote was taken with all voting yes. **Motion passed unanimously.**

### 3. NEW BUSINESS

Presentation from High Country Citizens Alliance (HCCA) Regarding Mountains to Mesas Program and Consideration of Resolution No. 6, Series 2006 – A Resolution In Support of the Mountains to Mesas Conservation Management Alternative for the Grand Mesa Uncompahgre and Gunnison (GMUG) Forest Plan Revision .

Dan Morse, Public Lands Director for HCCA gave a short report updating the Council on the Mountains to Mesas program. He noted that HCCA had been working with the Crested Butte Mountain Biking Association (CBMBA) who was uncomfortable with parts of the plan. He went on to explain that HCCA was very supportive of recreational use and recognizes the current Mt. Bike Trails. Several representatives of the Crested Butte Mountain Bike Association, including Lisa Crampton, Dave Ochs and Andrea Heller voiced opposition to the Mountains to Mesas plan explaining that the plan is not aligned with CBMBA's mission statement, which is to provide mountain bike trails. Crested Butte resident Linda Powers, a representative of the Colorado Environmental Coalition, urged council to endorse the Mountains to Mesas plan explaining the importance of preserving as much of the Gunnison National Forest as possible. HCCA representative Sue Navy also urged council to endorse the plan and noted that HCCA revised the Mountains to Mesas plan so that mountain bike trails that CBMBA was concerned about were not eliminated. Bernholtz suggested that CBMBA and HCCA get together again and try to work on a compromise. CBMBA members, however, indicated they did not think a compromise could be reached.

Williams moved and Levy seconded to approve Resolution No. 6 Series, 2006 Roll call vote was taken with all voting yes. **Motion passed unanimously.**

B) KBUT Radio Request for Alpine Jam Funding-Event Scheduled for September 9, 2006.

Kim Bosler and Josh Elmer of KBUT requested the Town's help with "seed" money to keep this event going in its second year. They made it clear that they did not expect or desire ongoing funding – just help to get the event established. The Council proposed that the "seed" money be raised through a dollar for dollar matching grant option up to \$3,000.

Chlipala moved and Berkshire seconded to approve funding for Alpine Jam through a dollar for dollar matching grant of \$3,000. Roll call vote taken with all voting yes. **Motion passed unanimously.**

C) Discussion Regarding Location of Dog Hitching Post in the Vicinity of Post Office.

Bernholtz started the discussion by commenting that in his conversations with Chief Marshal, Tom Martin – that Martin would prefer that the hitching posts be located off of Elk Avenue, which launched a lively discussion between council members, the acting Town Manager and the Town Attorney. Concerns such as the location of hitching posts, the length of the leashes permitted, how long a dog could be tied up, and poop pick up were brought up. Rozman was concerned

about the dogs barking and fighting. Magner pointed out that many of these concerns were addressed by Telluride and the hitching post concept has worked very well there. The Council directed Magner to draft an ordinance to be proposed at the first meeting in July and would include a “sunset” so that it could be reviewed after implementation to see if it works.

D) Approval of Bid for Sixth Street Overlay Project.

Gillie discussed the project as noted in his memo to the Council, dated May 31, 2006 and explained that this project will take place after Arts Fair probably in the second half of August and September.

Chlipala moved and Levy seconded that the Sixth Street Overlay project be awarded to Pavement Maintenance Services in an amount not to exceed \$265,000 contingent upon the finalization of an intergovernmental agreement with the Colorado Department of Transportation. Said funds are to be appropriated from previously budgeted funds in the Street and Alley Fund. Roll call vote taken with all voting yes. **Motion passed unanimously**

E) Approval of the 2006 Audit.

Rozman noted that 2006 audit went smoothly and asked the Council to approve sending the completed audit to the State for filing. The Council thanked Rozman for her professionalism resulting in a positive audit.

Williams moved and Chlipala seconded to approve the 2006 Audit. Roll call vote was taken with all present voting yes (Levy was temporarily absent). **Motion passed unanimously**

F) Letter to Gunnison Board of County Commissioners Regarding Affordable (Essential) Housing Fees.

Hess discussed his draft letter dated June 6, 2006 to the BOCC regarding proposed workforce housing fees and asked if any changes were needed. Regarding Item # 1 in Hess’ letter, Council suggested that income qualified households be exempt from the fee at the time of building but that they pay the fee when they sell their property at fair market value. Council also suggested that exterior lighting be deleted from item #2 of the letter.

Chlipala moved and Williams seconded to direct Hess to revise the letter to the BOCC regarding work force housing fees to incorporate revisions discussed by council. Hess should also review the letter with Williams, who is the Town’s representative on the Board of Directors of the Gunnison County Housing Authority. Once letter is finalized the Mayor is authorized to sign the letter. Roll call vote taken and all voting yes. **Motion passed unanimously**

G) Authorization of Town Bank Accounts Signators.

Levy moved and Chlipala seconded to revise the Town Bank Account signators to delete Frank Bell and add Susan Parker and Bob Gillie as signators. Roll call vote taken with all voting yes. **Motion passed unanimously**

#### H) Marshals Staffing Budget Implications

Rozman noted that the Marshal's Office had requested an increase to their 2006 budget for the purpose of recruiting and training a replacement for a Marshal that would be leaving in the coming year.

Levy moved and Williams seconded to increase the Crested Butte Marshal's Office budget by \$20,000 in 2006 for the purpose of recruiting and training a new officer to replace the officer that will be leaving. Roll call vote was taken and all voted yes. **Motion passed unanimously.**

The next item on the agenda is the Executive Session. Bernholtz suggested that the Council suspend the order of the agenda and move onto Legal Matters, Council Reports, and Other Matters before moving into Executive Session so that the people not involved with the Executive Session could be dismissed. There being no objection the meeting resumed with Legal Matters.

### **5. LEGAL MATTERS/TOWN ATTORNEY**

- Magner noted that she was close to finalizing the Manager's Contract for Susan Parker. Magner will consult with Bernholtz regarding a couple of minor details in the contract.
- Magner just received information about the easement regarding the proposed Larkspur Subdivision off of Brush Creek Road. She recommended that the Council address the request at the next Council meeting.
- Magner and Rozman recommended a part-time employment contract for LC Adams, which will incorporate the terms and conditions the Council previously outlined in an employment agreement. The final proposal for Adams contract will be presented to Bernholtz for approval.

### **6. COUNCIL REPORTS AND COMMITTEE UPDATES**

#### **Levy**

- Thanked Rozman and Hess for their written reports – they were very helpful.
- Crested Butte/Carbondale Trail – West Elk Loop Scenic Byway subcommittee will meet on June 30 to finalize the routing of the trail. Jon Morrissey of the Forest Service is a member of the subcommittee.
- Three months of Coffee with the Council at the Buckaroo Beanery has worked well. Many citizens have attended to talk with the Council about their concerns. In keeping with Council's practice to rotate the location

every three months, Levy proposed that beginning in July, Coffee with the Council move to Sunshine Deli. Council agreed.

- Asked staff to update the calculation for affordable housing fees. Berkshire suggested that fees be adjusted annually (rather than every few years) based on a parameter such as the consumer price index (CPI) so the increase is incremental and not such a large leap.

### **Bernholtz**

- The Council needs to appoint a representative the Ground Transportation Task Force; their next meeting is on July 21. Levy volunteered to be the Council's representative.
- Bernholtz will try to attend a meeting, regarding the proposed jail on June 19. If he can not attend the Council should request a report from the Commissioners regarding the proposal.
- The Forest Service has agreed to place a toilet at the Kebler Pass Trailhead this winter.
- Directed Staff to write a letter to Congressman John Salazar asking him to write a letter of opposition to mining on Mt. Emmons. Council concurred and directed Hess to work with Bernholtz on the letter.
- The Mayors/Managers Meeting was great.
- Noted that the work on the "J" ramp at the Gunnison-Crested Butte Airport will take place this summer.
- Would like council to hold a meeting monthly (rotating) with different municipalities in Gunnison County including the BOCC, Mt. Crested Butte and the City of Gunnison.
- Bernholtz would like to join the Mayor's Challenge to support Green Building and Green Energy, started by the Mayor of Seattle. He will forward information to Hughes.
- Ken Coleman, Gunnison City Manager, will provide information to Council about a Pay to Pollute program, which assesses how much you drive and your heating bills and determines how much you need to pay back to offset the effects of pollution.
- Bernholtz would like direction from the Council about the proposed underground power lines between Crested Butte and Mt. Crested Butte. Rozman noted that this item will likely be scheduled on the June 19, 2006 Council agenda.
- The Wi-Fi (Wireless Internet) program that was discussed a while ago may come back, so the Council can learn more about it. It could be beneficial for economic development in our county.
- Complimented Rozman on her work as acting Town Manager.
- Need a report back from the staff about the proposed covered bicycle parking.
- Need the staff to revisit the lighting ordinance.
- Need the staff to address snow removal, parking and signage on Elk Avenue before budget retreat.

### **OTHER BUSINESS TO COME BEFORE COUNCIL**

Rozman stated that Gillie found someone to replace the siding on the Marshal's Office building and estimates have come in between \$35,000 to \$40,000.

Levy moved and Williams seconded to increase the Building Maintenance line in the 2006 Budget by \$40,000 in order to re-side the building which houses the Marshal's office and KBUT radio. Roll call vote taken with all voting yes. **Motion passed unanimously.**

Council took a five minute recess

### **EXECUTIVE SESSION**

Levy moved and Berkshire seconded to go into executive session to discuss the purchase, acquisition, lease, transfer or sale of real, personal or other property interest under C.R.S. Section 24-6-402 (4) (a). Roll call vote taken with all voting yes. **Motion passed unanimously.**

Council went into executive session at 9:35 p.m. and returned at 10:05 p.m. no action was taken.

Bernholtz adjourned the meeting at 10:05 p.m. by unanimous consent.

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**Alan Bernholtz, Mayor**

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**Eileen Hughes, Town Clerk**